

Remarks

Reconsideration of the first Office action and forwarding of the present reissue application to allowance are respectfully requested in view of the foregoing amendments and the following remarks. In the Office action mailed August 3, 2009, the Examiner rejected the above-identified reissue patent application based on various technical matters, and rejected claims 1-3, 5-11, 21 and 22 as being based upon a defective Reissue Declaration under 35 U.S.C. § 251. Based upon the record and applicant's attorney's prior conversations with Examiner Canfield, applicant understands that there are no prior-art based rejections of the amended and new claims.

With respect to technical matters, the Patent Office has noted that applicant must provide the following: (1) amendments which comply with 37 C.F.R. § 1.173(c); (2) a supplemental reissue oath/declaration under 37 C.F.R. § 1.175(b)(1); and (3) a Reissue Application: Consent of Assignee and Statement Under 37 C.F.R. 3.73(b). Applicant is providing with this response items (1) and (3).

With respect to item (2), applicant believes it has complied with 37 C.F.R. § 1.175(b)(1) because the most recent supplemental oath/declaration it filed was signed by the inventors on September 28, 2007. No claim amendments have been made since that date.

Amendments to the Specification

In the above-identified amendments, applicant has added certain descriptive text to the specification. However, no new matter has been added.

Amendments to the Claims

Support for previously filed and approved amendments to the claims are provided in the Statement of Claim Status and Support above.

Claim Rejections

Claims 1-3, 5-11, 21 and 22 were rejected as being based upon a defective Reissue Declaration under 35 U.S.C. § 251. As noted above, applicant believes the previously filed,

supplemental reissue oath declaration, signed on September 28, 2007, is effective. Applicant believes it has complied with 37 C.F.R. § 1.175(b)(1) because the most recent supplemental oath/declaration was signed by the inventors on September 28, 2007 and filed on October 3, 2007. No claim amendments have been made since that date.

Conclusion

Applicants believe no other fees are now due. Please charge any additional fees required, or credit any overpayments, to our deposit account number 11-1540.

Applicant submits that the present application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on November 3, 2009.

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